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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY/DOCKET NO.
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THE EXAMINER

ART UNIT 307

PAPER NUMBER

04/03/97

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/591,217

Applicant(s)

Angadjivand et al

Examiner

Jeffery R. Thurlow

Group Art Unit

1307



☒ Responsive to communication(s) filed on Jan 27, 1997

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 14-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 14-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

1. Applicant's arguments filed January 27, 1997 have been fully considered but they are not persuasive. The specific arguments will be addressed in the statement of the rejection to follow.
2. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references and for the reasons set forth in paper no. 5 mailed on October 29, 1996 and the comments which follow. Product-by-process claims must patentably distinguish as products and rely upon some property which is not in the prior art products of the applied art. PEN % and QF values may provide such a patentable distinction for the instant products; see MPEP 2113 an updated section pertaining to product-by-process claims and In re Brown cited therein. The values in tables 6-9 do not provide the evidence necessary in view of the broadly recited product-by-process claims lacking any clear article limitation to patentably define over the products of Reed et al as modified by the applied secondary references. In claim 17, the nonwoven web contains thermoplastic microfibers and has an electric charge imparted thereto which charging is provided by any number of process as broadly recited, in view of the phrase "obtainable by the steps". The product could be obtainable by other process as broadly claimed.
3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication should be directed to J.R. Thurlow at telephone number (703) 308-3828 with the FAX number being 703-305-7718 and the group receptionist number being 703-308-0651.

GRT
J.R. Thurlow

April 2, 1997

Jeffery R. Thurlow
JEFFERY R. THURLOW
PRIMARY EXAMINER
GROUP 1300

04/02/97